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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,840	03/26/2004	Blayn W. Beenau	70655.0400	2839
66170	7590	01/10/2008		
AMERICAN EXPRESS TRAVEL RELATED SERVICES CO., INC. c/o SNELL & WILMER, L.L.P. ONE ARIZONA CENTER 400 E. VAN BUREN STREET PHOENIX, AZ 85004-2202			EXAMINER KAMAL, SHAHID	
			ART UNIT 3621	PAPER NUMBER
			NOTIFICATION DATE 01/10/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/708,840	BEENAU ET AL.	
	Examiner	Art Unit	
	Shahid Kamal	3621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/09/2004, 08/20/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Information Disclosure Statement**

1. Applicant has submitted 186 IDS documents for consideration during prosecution of this application. The examiner has considered these submissions but did not look through each reference thoroughly. Hence, if applicant believes any of the submitted IDS document would advance and/or expedite proccession, it is advance that he point directly to such reference.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-11 are rejected under 35 U.S.C. 102(b) as anticipated by Nicholas et al. (US Patent No. 6,961,448 B2).

Referring to claim 1, Nicholas et al. discloses detecting a proffered biometric at a sensor to obtain a proffered biometric sample (see at least abstract & column 1, lines 15-34, column 6, lines 3-44);

- verifying said proffered biometric sample (see at least column 4, lines 15-24, column 4, lines 42-44)); and
- storing said proffered biometric sample on a database such that said system utilizes said proffered biometric sample to authorize a transponder transaction (see at least column 3, lines 63-67, column 4, lines 1-11, column 6, lines 45-67).

Referring to claim 2, Nicholas et al. further discloses detecting, associating, and processing a proffered biometric sample (see at least column 3, lines 20-52, column 6, lines 3-9, column 6, lines 11-36).

Referring to claim 3, Nicholas et al. further discloses wherein said step of detecting includes logging each proffered biometric sample (see at least column abstract & column 3, lines 25-33).

Referring to claim 4, Nicholas et al. further discloses wherein said step of detecting includes at least one of detecting, associating, and processing at least one additional proffered biometric sample (see at least column 3, lines 20-52, column 6, lines 3-36).

Referring to claim 5, Nicholas et al. further discloses processing, comparing, and verifying said biometric sample (see at least column 3, lines 40-52, column 7, lines 32-43).

Referring to claim 6, Nicholas et al. further discloses wherein said step of verifying includes comparing a proffered biometric sample with a stored biometric sample (see at least column 1, lines 15-34).

Referring to claim 7, Nicholas et al. further discloses wherein comparing a proffered biometric sample with a stored biometric sample includes comparing a proffered biometric sample with at least one of a biometric sample of a criminal, a terrorist, and a transponder user (see at least column 1, lines 15-34, column 5, lines 51-62).

Referring to claim 8, Nicholas et al. further discloses wherein said step of verifying includes verifying a proffered biometric sample using information contained on at least one of a local database, a remote database, and a third-party controlled database (see at least column 1, lines 15-34).

Referring to claim 9, Nicholas et al. further discloses wherein said step of verifying includes verifying a proffered biometric sample using one of a protocol/sequence controller and a third-party security vendor (see at least column 1, lines 15-34).

Referring to claim 10, Nicholas et al. further discloses wherein said step of verifying a biometric sample further includes facilitating the use of one or more secondary security procedures (see at least column 4, lines 15-24, column 4, lines 42-55).

Referring to claim 11, Nicholas et al. further discloses wherein said step of storing a biometric sample includes storing a proffered biometric sample on at least one of a local database, a remote database, and a third-party controlled database (see at least column 1, lines 15-34, column 4, lines 15-24, column 4, lines 42-55).

**4. Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the patent examiner should be directed to Shahid Kamal whose telephone number is (571) 270-3272. The Patent examiner can normally be reached on Monday-Thursday (9:00am -7:00pm), Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on (571) 272-6919. The fax phone number for this origination where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-directed.uspto.gov>.

Should you have any questions on accessing to the Private PAIR system, contact the Electronic Business Center (EBC) at 1(866) 217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 1(800) 786-9199 (IN USA OR CANADA) or 1(571) 272-1000.

Shahid Kamal  
December 19, 2007



KAMBIZ ABDI  
SUPERVISORY PATENT EXAMINER